

1 PHILLIP A. TALBERT
United States Attorney
2 ADRIAN T. KINSELLA
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5
6 Attorneys for Plaintiff
United States of America

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 SEAN THOMAS DELAPP,
15 Defendant.

CASE NO. 2:23-CR-0239 DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 7, 2023
TIME: 9:00 a.m.
COURT: Hon. Daniel J. Calabretta

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17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on December 7, 2023. ECF No. 13.

21 2. By this stipulation, defendant now moves to continue the status conference until March
22 14, 2024, at 9:00 a.m., and to exclude time between December 7, 2023, and March 14, 2024, under
23 Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes approximately 195 gigabytes of discovery, including a forensic cellular phone
27 extraction of the defendant's phone, criminal history records, police reports, search warrants, and
28 photos. All of this discovery has been either produced directly to counsel and/or made available

1 for inspection and copying. Additional discovery is forthcoming, including a redacted version of
2 dispatch audio, as well as jail calls.

3 b) Counsel for defendant desires additional time to consult with his client, to review
4 the current charges, to conduct investigation and research related to the charges, to consult with
5 an expert and coordinate an evaluation of his client, to review and copy existing and forthcoming
6 discovery for this matter, to discuss resolutions with his client, to prepare pretrial motions, and to
7 otherwise prepare for trial.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him/her the reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of December 7, 2023 to March 14,
17 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 27, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: November 27, 2023

/s/ DANIEL J. RUSSO
DANIEL J. RUSSO
Counsel for Defendant
SEAN THOMAS DELAPP

ORDER

IT IS SO FOUND AND ORDERED this 28th day of November, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE